

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2015 AUG 03 AM 10 18

A.D., by and through his Next Friends
and Natural Parents, William K. and Mindy E.
DuRose, WILLIAM K. DUROSE, and
MINDY E. DUROSE,

Plaintiffs,

vs.

POWELL VALLEY HEALTHCARE, INC.,
POWELL HOSPITAL DISTRICT NO. 1,
POWELL VALLEY HOSPITAL, JEFFERY
HANSEN, M.D., and JOHN DOES 1 THROUGH
10

Defendants.

Case No. 13-CV-216-S

STEPHAN HARRIS, CLERK
CASPER

**ORDER GRANTING STIPULATED MOTION TO RETAIN JURISDICTION AND
REQUEST FOR ORDER OF DISMISSAL**

THIS MATTER having come before the Court pursuant to the Parties' *Stipulated Motion to Retain Jurisdiction and Request for Order of Dismissal* and the Court having reviewed the *Stipulated Motion to Retain Jurisdiction and Request for Order of Dismissal* and being duly advised in the premises **FINDS:**

1. On June 3, 2015, the Parties in the above-captioned matter entered into a Settlement Agreement and Release under which the Plaintiffs completely released and forever discharged the Defendants from all of Plaintiffs' claims in the above-captioned matter and required the Plaintiffs to dismiss with prejudice all claims of the Plaintiffs against the Defendants.

2. Pursuant to the Settlement Agreement and Release the Parties agreed that this Court would retain jurisdiction over the Parties solely for the purpose of assessing whether a party is in violation of the terms of this Settlement Agreement and Release.

3. Pursuant to the Settlement Agreement and Release the Parties also agreed this Court would retain sanction authority over the Parties solely for the purpose of assessing fines in the event a party is in violation of the terms of the Settlement Agreement and Release and any addendums thereto.

4. Due to the fact the above-captioned matter involves a minor, on or about June 11, 2015, Plaintiffs filed their *Motion for Order Approving Settlement*, ECF No. 56. On June 12, 2015, this Court entered its *Order Approving Settlement*, ECF No. 57.

5. This Court can retain jurisdiction over a settlement agreement if the order of dismissal shows an intent to retain jurisdiction or incorporates the settlement agreement. *Morris v. City of Hobart*, 39 F.3d 1105, 1110 (10th Cir. 1994) (citing *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 380–81, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994)).

6. The State of Wyoming, intervenor in this case, has no objections to entry of this Order.

IT IS, THEREFORE, HEREBY ORDERED that the Parties' *Stipulated Motion to Retain Jurisdiction and Request for Order of Dismissal Trial* is GRANTED.

IT IS, THEREFORE, HEREBY ORDERED that the Plaintiffs', A.D. by and through his Next Friends and Natural Parents William K. DuRose and Mindy E. DuRose, William K. DuRose and Mindy E. DuRose, individually, claims against Defendants, Powell Valley Healthcare, Inc., Powell Hospital District No. 1, Powell Valley Hospital, and Jeffery Hansen, M.D.


in the above-captioned matter are dismissed with prejudice. The Parties shall bear their own attorney's fees and costs.

IT IS, THEREFORE, HEREBY ORDERED that the Court shall retain jurisdiction over Case No. 13-CV-216-S for the sole purpose of enforcing compliance by the Parties with the terms of Settlement Agreement and Release and any addendums thereto.

IT IS, THEREFORE, HEREBY ORDERED that the Parties shall comply with the terms of Settlement Agreement and Release and any addendums thereto.

IT IS, FURTHER, HEREBY ORDERED that the Court shall retain sanction authority over the Parties solely for the purpose of assessing fines in the event a party is in violation of the terms of the Settlement Agreement and Release and any addendums thereto.

DATED this 31ST day of July, 2015.



Honorable Scott W. Skavdahl
United States District Court Judge